

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11686 of 2022

Usharani Mohanty

....

Petitioner

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner is seeking pre-arrest bail in connection with C.T. Case No.589 of 2021 arising out of Soro P.S. Case No.270 of 2021, pending in the court of learned J.M.F.C., Soro for commission of offences punishable under Sections 498-A/302/34, I.P.C. subsequently, charge-sheet submitted for the offences punishable under Sections 498-A/302/201/34, I.P.C.

4. It is submitted by learned counsel for the petitioner that the F.I.R. lodged by the brother of the deceased alleging foul play against the in-laws family members of the deceased. It is further submitted that the petitioner earlier the father-in-law (Madan @ Barendra Das) of the deceased has filed an application for regular bail in BLAPL No.1471 of 2022. It is also submitted by learned counsel for the petitioner that the father-in-law had illicit relationship with a lady to which she protested for which the present petitioner said to have subjected to her torture. So

far as the present petitioner is concerned, there is nothing on record to show his involvement in the alleged occurrence.

5. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

6. However, on the submission of the learned counsel, the petitioner is given liberty to surrender before the learned J.M.F.C., Soro in the aforesaid case in the first hour within 21 working days hence and move for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the petitioner may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the petitioner on the same day strictly on the basis of the materials on record by maintaining the principles of parity, if applicable.

7. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the petitioner, if applied for.

8. The ABLAPL is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge